

CERTIFICATE OF MAILING

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3/17 2004 Date:

Docket No.:

Group Art Unit:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

60655.3900

TBA

Applicant(s): Berardi, et al.

Serial No.: 10/708,545

Filed: March 10, 2004

Title: SYSTEM AND METHOD FOR SECURING RF TRANSACTIONS USING A RADIO FREQUENCY IDENTIFICATION DEVICE INCLUDING A TRANSACTIONS COUNTER

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Examiner:	TBA
Confirmation No.:	2544

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents PO Box 1450 Alexandria, VA 22313-1450

Commissioner:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R., §§1.97 and 1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents listed on the attached Form PTO/SB/08A. One copy of each cited document is submitted herewith. Applicant respectfully submits that all pending claims are patentable over the foregoing references, alone or in combination. The Examiner is requested to initial the enclosed Form PTO/SB/08A and return a copy thereof to the undersigned.

The items listed on Form PTO/SB/08A may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark

Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants reserve the right to dispute any of the listed documents as prior art during examination. Further, Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. Furthers, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

- 1. [] For each of the following items listed on the enclosed copy of Form PTO/SB/08A that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
- [X] Any copy of the items listed on the enclosed copy of Form PTO/SB/08A that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior [X] Parent Application, [] Continuation, [] Divisional or [] Continuation-In-Part application under 37 C.F.R. §1.97, U.S. Serial No. <u>10/192,488</u>, filed July 9, 2002.
- 3. [X]No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - [] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the aboveidentified application.
 - [] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application.
 - [X] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits.
- 4. [] No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 3 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 8 below.

- 5. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 3 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
 - [] A check in the amount of \$180.00 is enclosed in payment of the fee.
 - [] Charge the fee to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- 6. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
 - a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 8 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 9 below.
- 7. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
 - a. [] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue;
 - b. [] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue.
 - c. The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 9 below.
- 8. [] I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
 - [] I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent

office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

- 9. [] A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(p).
 - [] Charge the fee due under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
 - [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

Snell & Wilmer

Howard I. Sobelman Registration No. 39,038

|0Y Dated:

Snell & Wilmer L.L.P. One Arizona Center 400 E. Van Buren Phoenix, Arizona 85004-2202 Phone: (602) 382-6228 Fax: (602) 382-6070 Email: hsobelman@swlaw.com

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U.S. PATENT DOCUMENTS

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Examiner	Cite	Doc	ument N	Number	Publ	ication	Date	Name	of Patentee or	f Patentee or Pages, Columns, Lines, Where Relevant Passages or Relevant		
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PTO/SB/08a (08-03) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/708,545
Filing Date	March 10, 2004
First Named Inventor	Michael Berardi, et al.
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/VF/		PCT	WO 02/01485	A1	01/03/2002	Smartclic Corporation
/VF/		PCT	WO 02/13134	A2	02/14/2002	Medmicrochip LC
/VF/		PCT	WO 02/21903	A1	03/21/2002	Mario Witte
/VF/		EP	EP 1 199 684	A2	04/24/2002	Marconi Commerce Systems
/VF/		PCT	WO 02/063545	A2	08/15/2002	Sensormatic Electronics Corp
/VF/		PCT	WO 02/065246	A2	08/22/2002	Stockback Holdings, Inc.
/VF/		PCT	WO 02/065404	A2	08/22/2002	Stuart Williams
/VF/		PCT	WO 02/069221	A1	09/06/2002	Frequency Marketing, Inc.
/VF/		PCT	WO 02/073512	A1	09/19/2002	3M Innovative Properties Co.
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Art Unit	TBA
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/VF/		EP	EP 1 251 450	Al	10/23/2002	NCR International Inc.
/VF/		PCT	WO 02/086665	A2	10/31/2002	United States Postal Service
/VF/-		PCT	WO 02/091281	A2	11/14/2002	Outsite Networks Inc.
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Sheet	Ь	of	8	Attorney Docket Number	60655.3900			

Examiner	Cite	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),	
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Substitute for form 1449B/PTO	Complete if Known		
	Application Number	10/708,545	
INFORMATION DISCLOSURE	Filing Date	March 10, 2004	
STATEMENT BY APPLICANT	First Named Inventor	Michael Berardi, et al.	
OTATEMENT DI ATTEIOANT	Art Unit	TBA	
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